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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,944

10/31/2003

Naoya Sashida

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05/05/2006

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EXAMINER

DICKEY, THOMAS L

ART UNIT

PAPER NUMBER

2826

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,944

Applicant(s)

SASHIDA, NAOYA

Examiner

Thomas L. Dickey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

4/24/06

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/315,929.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/31/03; 11/15/05; 02/28/06; 4/24/06</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The preliminary amendment filed on 10/31/03 has been entered.

Oath/Declaration

2. The oath/declaration filed on 10/31/03 is acceptable.

Drawings

3. The formal drawings filed on 10/31/03 are acceptable.

Priority

4. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/315,929, filed on 12/11/02.

Information Disclosure Statement

5. The Information Disclosure Statements filed on 10/31/03; 11/15/05; 02/28/06; and 4/24/06 have been considered.

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Specification

6. The first line of the specification (as such first line existed after being amended 10/31/03) should be amended by substituting: "This application is a divisional of Application No. 10/315,929, now Patent No. 6,673,672, filed 12/11/02" for the current first line.

Applicant previously typoed the filing date, and failed to refer to the Patent number, of the parent application.

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by OKUTOH ET AL. (6,201,271), as cited by applicant on 11/15/05.

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Okutoh et al. discloses a semiconductor device with a first insulating film 6 formed over a semiconductor substrate 1; capacitor constructed by forming a lower electrode 22, a strontium-bismuth-titanate (SBT) dielectric film 23, and an upper electrode 15 sequentially on the first insulating film 6; a titanium oxide first capacitor protection insulating film 12 covering the dielectric film 23 and the upper electrode 15; an ozone-CVD formed silicon oxide second capacitor protection insulating film 13 formed on the first capacitor protection insulating film 12; a plasma-CVD formed silicon oxide second insulating film 17 formed on the second capacitor protection insulating film 13; wherein an amount of carbon contained in the second capacitor protection insulating film 13 is larger than an amount of carbon contained in the second insulating film 17; a hole (no part #, seen in figure 8, being filled by wiring 24) reaching the upper electrode 15 is formed in the first capacitor protection insulating film 12, the second capacitor protection insulating film 13, and the second insulating film 17, and a wiring 24 that is electrically connected to the upper electrode 15 via the hole is formed on the second insulating film 17. Note figure 8 and column 8 line 26 through column 11 of Okutoh et al. It should be noted that Okutoh et al.'s second insulating film 17 is formed by plasma enhanced CVD and thus inherently lower in organic residue such as moisture and carbon than the ozone-CVD formed second capacitor protection insulating film 13. Those having skill in the art have long known this distinction and discussed it in various publications.

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Investigators seem to agree that the plasma temperatures gasify carbon and carry it away, resulting in a lower carbon content of the film made by this process. See Otsubo et al. 5,275,977 (figure 3a and column 5 lines 34-49) or Maeda et al. 5,554,570 (column 3 lines 19-22 or column 11 lines 1-7). Accord, Yamazaki et al. 2002/0006711 and Yau et al. 2001/0026849.

Conclusion

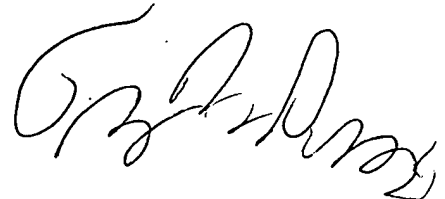
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas L Dickey whose telephone number is 571-272-1913. The examiner can normally be reached on Monday-Thursday 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Thomas L. Dickey', is positioned above the printed name.

Thomas L. Dickey
Patent Examiner
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04/06